

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

SANDRA SAMUELSON, and
JEREMIAH SCHNOOR,
Defendants.

4:20CR3128

ORDER

This is a drug case. As to Defendant Samuelson, the case is approaching two years old, and she has been engaged in plea discussions for over 18 months. (Filing No. 22). As to Defendant Schnoor, the case is over 9 months old.

On February 25, 2022, the court entered an order continuing the case but warning: “**No further continuances will be granted absent a substantial showing of good cause.**” (Filing No. 67). The case has been continued twice since then; the first continuance due to the unavailability of Defendant Samuelson’s counsel, (Filing No. 68), and the second because two witnesses had recently been identified that were vital to the trial. (Filing No. 70). In both circumstances, the undersigned magistrate judge concluded the request was supported by good cause and continued the trial.

Now, Defendant Schnoor moves to continue because the “two co-defendants who are married. The parties are trying to come to a resolution that is acceptable to both co-defendants.” (Filing No. 72). While I have no idea what that means, I am confident it is not good cause to continue the criminal trial of a nearly 2-year-old case.

That said, the court will grant one last and final continuance so the parties can finalize their plea discussions.

Accordingly,

IT IS ORDERED:

- 1) Defendant Schnoor's motion to continue, (Filing No. 72), is granted.

No further continuances will be granted.

- 2) As to both defendants, the trial of this case is set to commence before the Honorable John M. Gerrard, United States District Judge, in Courtroom 1, 100 Centennial Mall North, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on October 11, 2022, or as soon thereafter as the case may be called, for a duration of three (3) trial days. Jury selection will be held at commencement of trial.
- 3) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and as to both defendants, the additional time arising as a result of the granting of the motion, the time between today's date and October 11, 2022, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

September 2, 2022.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge